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REISSUE APPLICATION DECLARATION BY THE INVENTOR

Docket Number (Optional)

96L206

I hereby declare that:

Each inventor's residence, mailing address and citizenship are stated below next to their name.

I believe the inventors named below to be the original and first inventor(s) of the subject matter which is described and claimed in patent number 5,719,107, granted February 17, 1998 and for which a reissue patent is sought on the invention entitled Crankcase Lubricant for Heavy Duty Diesel Oil

the specification of which

☐ is attached hereto.

☒ was filed on July 24, 2001 as reissue application number 09/911,879
and was amended on _____
(If applicable)

I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56.

☐ I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b). Attached is form PTO/SB/02B (or equivalent) listing the foreign applications.

I verily believe the original patent to be wholly or partly inoperative or invalid, for the reasons described below. (Check all boxes that apply.)

☒ by reason of a defective specification or drawing.

☐ by reason of the patentee claiming more or less than he had the right to claim in the patent.

☐ by reason of other errors.

At least one error upon which reissue is based is described below. If the reissue is a broadening reissue, such must be stated with an explanation as to the nature of the broadening:

U.S. Patent No. 5,719,107 claims *inter alia*, a lubricating oil composition containing (A) at least 0.3% of a metal phenate and (E) less than 0.3 mass % of sulfurized phenols. The list of included metal phenates (A) provided in the specification includes metal salts of sulfurized phenols (col. 8, line 25). The list of excluded sulfurized phenols (E) includes "and such oxidation inhibitors such as alkaline earth metal salts of alkylphenolthioesters having preferably C₅ to C₁₂ alkyl side chains, and calcium nonylphenol sulfide".

Because the list of required component (A) overlaps with that of excluded component (E), the application can be construed as partially inoperative. The description of excluded component (E) should only have referred to ashless materials. Thus, the application can be rendered clear by cancellation of the statement "and such oxidation inhibitors such as alkaline earth metal salts of alkylphenolthioesters having preferably C₅ to C₁₂ alkyl side chains, and calcium nonylphenol sulfide" from col. 9, lines 12 to 15 of the specification.

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This collection of information is required by 37 CFR 1.175. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



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All errors corrected in this reissue application arose without any deceptive intention on the part of the applicant.

Note: To appoint a power of attorney, use form PTO/SB/81.

Correspondence Address: Direct all communications about the application to:

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine and imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this declaration is directed.

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Full name of third joint inventor (given name, family name)

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Date

Residence

Citizenship

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☐ Additional joint inventors or legal representative(s) are named on separately numbered sheets forms PTO/SB/02A or 02LR attached hereto.